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THE NEW SECRECY

WITH HIS
EXECUTIVE ORDER ON
CLASSIFICATION,
JIMMY CARTER HAS
PUT HIS OWN HARSH
STAMP OF SECRECY
ON WASHINGTON.

By DAVID WISE

ON JUNE 29, READERS OF the *New York Times* were assured in a page one story that President Carter was about to effect a "sweeping liberalization" of the government's system of classifying documents. The headline read: PRESIDENT TO ISSUE ORDER TO LIBERALIZE RULE ON SECRET DATA.

The story below went on to say that Carter would "shortly" issue an executive order designed to demonstrate "the President's commitment to open government." The *New York Times*, the article said, had obtained a copy of the document. The dispatch carried the byline of Martin Tolchin of the newspaper's Washington Bureau.

The story was a public relations triumph for the White House, but hardly a recognizable description of the secrecy order that Carter issued later that very day. While an improvement on the draconian version circulated in draft form by the administration last fall [*INQUIRY*, Feb. 20, 1978] the Carter order—like the Nixon order it replaces and all previous

presidential secrecy decrees—permits the government, if it wishes, to classify a document *forever*. If read carefully, the fine print contains more than enough ambiguities, loopholes, and exceptions to allow continued government secrecy as usual.

The *Times* had a one-day beat on its laudatory preview of Carter's order, but almost no one appears to have noticed the exquisite irony involved: a presidential order designed to protect secrets and prevent leaks to the press had itself been leaked.

The executive order was dated June 28, but it was not released by the President, along with a covering statement, until June 29, by which time the *Times* was already on the streets. Asked whether the White House had leaked the document to the *Times*, Rick Neustadt, the National Security Council aide who was the order's chief architect, replied: "It's possible. I don't do the PR around here." Had he leaked it? Neustadt declined to answer directly. "Jody [Powell] calls the shots," he said. Neustadt added that "there were a number of copies floating around," since the draft had been "discussed with people on the Hill and a few outside experts, and five subcommittees on the Hill saw final drafts." He also said that a newsletter had run a story about the order a week before the *Times* piece.

Be that as it may, the President's order to prevent leaks had been leaked, and in a manner that artfully diffused much of the unfavorable publicity generated by the draft version circulated last year. "The selling of the order," one White House official conceded, "was as important as the drafting."

But in Washington, leaking, as with other forms of infidelity, is still subject to a double standard. Only a few days later, Carter summoned key leaders of the House and Senate to a closed meeting at the White House to complain that leaks of classified information from Capitol Hill were drying up intelligence sources and damaging America's security. Sitting in on the meeting

were the President's national security heavies, including Admiral Stansfield Turner, director of the Central Intelligence Agency; Zbigniew Brzezinski, the President's national security adviser; Secretary of State Cyrus R. Vance; and Defense Secretary Harold Brown.

Senator Barry Goldwater, the Arizona Republican, one of those called in to the Oval Office, said afterward that the President's concern resulted from "leaks that have appeared in the *New York Times* and the *Washington Post* over a long period of time." But other than mentioning the Pentagon Papers, which leaked to the press seven years ago, Goldwater provided no examples.

Nor did Jody Powell. "I don't know of any specific story," he told reporters. "You're talking about an accumulation of events. . . ." Powell became annoyed when the reporters suggested that, without examples, Carter's complaint of congressional leaks lacked credibility. "I really don't give a damn whether you believe it or not," he snapped.

Powell repeated that the President's concern was prompted by "a number of situations in which classified information was improperly released." He admitted that some of these disclosures had come from the executive branch. And from the White House?

"When we decide to make a leak," Powell replied, "we make sure it does not jeopardize national security."

JOHAN SHATTUCK, WASHINGTON director of the American Civil Liberties Union, expressed disappointment over the Carter order, although he said it was a "mild improvement" over Nixon's version. But Shattuck argued that any improvement in the executive order is outweighed by "the administration's effort to create an official secrets act through the enforcement of a secrecy contract against Frank Snepp, and the use of the Federal theft statute to prosecute espionage cases."

Snepp, the former CIA officer who wrote *Decent Interval*, a critical account of the agency's role in Vietnam, was ordered by a federal court on July 7 to surrender his "ill gotten gains" from the book. The decision was a victory for the CIA and the Carter administra-